

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 16, 2008

DIVISION THREE

B191245 People (Not for Publication)
v.
Padernal, et al.

Defendant Padernal's sentence is modified to delete the award of 185 days of presentence conduct credit, and as modified his judgment is affirmed. The trial court shall issue an abstract of judgment so amended. The judgments as to defendants Aguilar and Vasquez are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B182901 Kanter, et al. (Not for Publication)
v.
Albertson's, Inc., et al.
Farm Raised Salmon Cases

The judgment is reversed. Plaintiffs are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B198567 People (Not for Publication)
v.
Coleman

The order of restitution to Starbucks in the amount of \$10 is stricken and in all other respects the judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B199068 People (Not for Publication)
v.
Grandy

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B200819 Taylor (Not for Publication)
v.
Lyras

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B196987 County of Los Angeles (Not for Publication)
v.
Ranger Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FIVE

B200939 People (Not for Publication)
v.
Richard Briscoe

A Government Code section 70372 state court construction penalty of \$15 is ordered added to the Health and Safety laboratory fee. A \$10 surcharge pursuant to Penal Code section 1467.5 is also ordered added to that laboratory fee. The judgment is amended in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION FIVE (continued)

B200861 People (Not for Publication)

V.

Kenard Watkins

The judgment is reversed for the limited purpose of remanding the case to the trial court of a determination of the proper scope of defendant's discovery request and an in camera inspection of the arresting officers' personnel records to determine whether they contain information relevant to defendant's misconduct defense. If, after in camera review, the trial court determines there is not discoverable information in the relevant personnel records, the original judgment, which we have affirmed, shall be reinstated, and the trial court shall resentence defendant in accordance with this opinion. If the trial court determines that there is discoverable material, it should be turned over to defendant so that he may determine if it would have led to any relevant, admissible evidence that could have been presented at trial. If defendant can demonstrate that he was prejudiced by the denial of discovery, the trial court shall order a new trial.. If defendant cannot demonstrate any such prejudice, the original judgment shall be reinstated, and the trial court shall resentence defendant in accordance with this opinion.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B205234 Los Angeles County, D.C.S. (Not for Publication)

V.

Michelle F.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B199429 Dave Tomlin (Certified for Publication)

v.

Workers Compensation Appeals Board
City of Beverly Hills, Respondent

The judgment is annulled and remanded.

Mosk, J.

I concur: Armstrong, Acting P.J.

I dissent: Kriegler, J. (Opinion)

B204781 Los Angeles County, D.C.S. (Not for Publication)

v.

Annette E.

In re Alyssa P., et al.

The order terminating mother's parental rights is conditionally reversed. The matter is remanded to the juvenile court for the limited purpose of determining whether the children are or may be Indian children. The juvenile court is to direct the Department to give notice of the underlying proceedings in compliance with the Act to the BIA and any identified tribes. (25 U.S.C. section 1912; rule 5.481(b).) The Department shall document its efforts to provide such notice by filing such notices and any and all responses received with the juvenile court. If the BIA or any tribe responds by confirming that the children are or may be eligible for Indian tribal membership, the juvenile court shall proceed pursuant to the Act. If there is not confirmation from the BIA or any tribe that the children are or may be eligible for Indian tribal membership, the juvenile court shall reinstate the order terminating mother's parental rights to the children, and may proceed accordingly.

Mosk, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION FIVE (continued)

B191608 HLC Properties, LTD et al., (Not for Publication)
 v.
 MCA Records, Inc. et al

The summary adjudication orders are affirmed. The judgment is reversed.
Plaintiffs are to recover their costs on appeal from defendants.

Turner, P.J.

I concur: Armstrong, J.
I dissent: Mosk, J. (Opinion)

DIVISION SIX

B193622 MacDonald
 v.
 Wheeler

Filed order denying petition for rehearing.

DIVISION SEVEN

B201370 People
 v.
 Roe

B205541 People
 v.
 Roe

Filed order consolidating above captioned appeals.

DIVISION EIGHT

B204614 Los Angeles County, D.C.S. (Certified for Publication)
v.
S.C.L.A.
Stacey P. et al.,

Although the petition for writ of mandate filed by the Department also challenged the release of Isabella L. to mother, our order to show cause was expressly limited to the propriety of the respondent court's dismissal of the dependency petition. Accordingly, the petition for writ of mandate is granted in part as follows: The respondent court is directed to vacate that portion of its December 27, 2007 order dismissing the dependency petition filed on behalf of Isabella L. In all other respects, the petition is denied.

Rubin, J.

I concur: Cooper, P.J.
I dissent: Flier, J. (Opinion)